



Wiley Rein & Fielding LLP

1776 K STREET NW  
WASHINGTON, DC 20006  
PHONE 202.719.7000  
FAX 202.719.7049

7925 JONES BRANCH DRIVE  
SUITE 6200  
McLEAN, VA 22102  
PHONE 703.905.2800  
FAX 703.905.2820

www.wrf.com



July 1, 2002

RECEIVED

JUL 5 2002

TECH CENTER 1600/2900

David J. Kulik  
202.719.7313  
dkulik@wrf.com

TECH CENTER 1600/2900

JUL 0 5 2002

RECEIVED

CPA/1633

**VIA HAND DELIVERY**

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, DC 20231  
**Box: CPA**

Re: New U.S. Continued Prosecution Application  
Inventors: Michel Perricaudet *et al.*  
Title: Medicinal Combination Useful for In Vivo Exogenic Transfection  
Prior Appl. Serial No.: 08/894,246; Filed May 22, 1998  
Attorney Docket: EX95001-US

Dear Sir:

Applicants submit herewith a Request for Continued Prosecution Application for the above-identified application. The following documents are attached:

- 1) Continued Prosecution Application Request Transmittal Form (2 pages), requesting entry of the Response filed February 15, 2002 (in duplicate);
- 2) Fee Transmittal Form (in duplicate);
- 3) Two (2) Credit Card Payment Forms, covering the CPA Filing Fee together with the Extra Claim fee, and separately covering the Extension of Time Fee;
- 4) Request for Extension of Time;
- 5) Copy of Response dated February 15, 2002;
- 6) Return receipt postcard.

If any fees are required to process this Request or the accompanying Request for Extension of Time and are not accounted for, or if any other fees are required to enter and consider this paper and the accompanying papers, the undersigned hereby authorizes the Commissioner to charge Deposit Account No. 50-1129.

Respectfully submitted,

David J. Kulik  
Reg. No. 36,576

WRFMAIN 1143824.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 2612.00

**Complete if Known**

|                      |                           |
|----------------------|---------------------------|
| Application Number   | 08/894,246                |
| Filing Date          | 05/22/1998                |
| First Named Inventor | Michel Perricaudet et al. |
| Examiner Name        | Shin-Lin Chen             |
| Group Art Unit       | 1633                      |
| Attorney Docket No.  | EX95001-US                |

**RECEIVED**

JUL 5 2002

TECH CENTER 1600/2900

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

|                        |                            |
|------------------------|----------------------------|
| Deposit Account Number | 50-1129                    |
| Deposit Account Name   | Wiley Rein & Fielding, LLP |

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☐ Check ☒ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 740                    | 201 370                    | Utility filing fee     | 740.00   |
| 106 330                    | 206 165                    | Design filing fee      |          |
| 107 510                    | 207 255                    | Plant filing fee       |          |
| 108 740                    | 208 370                    | Reissue filing fee     |          |
| 114 160                    | 214 80                     | Provisional filing fee |          |

SUBTOTAL (1) (\$ ) 740.00

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 65                 | -20** = 24   | 18.00          | 432.00   |
| 3                  | -3** = 0     | 0.00           | 0.00     |
| Multiple Dependent |              |                | 0.00     |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 103 18                     | 203 9                      | Claims in excess of 20                                     |
| 102 84                     | 202 42                     | Independent claims in excess of 3                          |
| 104 280                    | 204 140                    | Multiple dependent claim, if not paid                      |
| 109 84                     | 209 42                     | ** Reissue independent claims over original patent         |
| 110 18                     | 210 9                      | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 432.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 105 130                    | 205 65                     | Surcharge - late filing fee or oath  |
| 127 50                     | 227 25                     | Surcharge - late provisional filing fee or cover sheet                     |
| 139 130                    | 139 130                    | Non-English specification  |
| 147 2,520                  | 147 2,520                  | For filing a request for ex parte reexamination                            |
| 112 920*                   | 112 920*                   | Requesting publication of SIR prior to Examiner action                     |
| 113 1,840*                 | 113 1,840*                 | Requesting publication of SIR after Examiner action                        |
| 115 110                    | 215 55                     | Extension for reply within first month                                     |
| 116 400                    | 216 200                    | Extension for reply within second month                                    |
| 117 920                    | 217 460                    | Extension for reply within third month                                     |
| 118 1,440                  | 218 720                    | Extension for reply within fourth month                                    |
| 128 1,960                  | 228 980                    | Extension for reply within fifth month                                     |
| 119 320                    | 219 160                    | Notice of Appeal   |
| 120 320                    | 220 160                    | Filing a brief in support of an appeal                                     |
| 121 280                    | 221 140                    | Request for oral hearing   |
| 138 1,510                  | 138 1,510                  | Petition to institute a public use proceeding                              |
| 140 110                    | 240 55                     | Petition to revive - unavoidable   |
| 141 1,280                  | 241 640                    | Petition to revive - unintentional   |
| 142 1,280                  | 242 640                    | Utility issue fee (or reissue)   |
| 143 460                    | 243 230                    | Design issue fee   |
| 144 620                    | 244 310                    | Plant issue fee  |
| 122 130                    | 122 130                    | Petitions to the Commissioner  |
| 123 50                     | 123 50                     | Processing fee under 37 CFR 1.17(q)  |
| 126 180                    | 126 180                    | Submission of Information Disclosure Stmt                                  |
| 581 40                     | 581 40                     | Recording each patent assignment per property (times number of properties) |
| 146 740                    | 246 370                    | Filing a submission after final rejection (37 CFR § 1.129(a))              |
| 149 740                    | 249 370                    | For each additional invention to be examined (37 CFR § 1.129(b))           |
| 179 740                    | 279 370                    | Request for Continued Examination (RCE)                                    |
| 169 900                    | 169 900                    | Request for expedited examination of a design application                  |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1440.00

RECEIVED

TECH CENTER 1600/2900

JUL 05 2002

1440.00

2002 9 0 TMR

**SUBMITTED BY**

|                   |                       |                                   |            |           |              |
|-------------------|-----------------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | David J. Kulik        | Registration No. (Attorney/Agent) | 36,576     | Telephone | 202-719-7000 |
| Signature         | <i>David J. Kulik</i> | Date                              | 07/01/2002 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

|   |  |   |
|---|--|---|
| <p><b>CONTINUED PROSECUTION APPLICATION (CPA)</b><br/> <b>REQUEST TRANSMITTAL</b><br/>         Submit an original, and a duplicate for fee processing.<br/>         (Only for Continuation or Divisional applications under 37 CFR 1.53(d))</p> |  | <p>CHECK BOX, if applicable<br/> <input type="checkbox"/> DUPLICATE</p> |
| <p>Address to:<br/> <b>Assistant Commissioner for Patents</b><br/> <b>Box CPA</b><br/> <b>Washington, DC 20231</b></p>  | Attorney Docket No. of Prior Application | EX95001-US  |
|   | First Named Inventor                     | Perricaudet et al.  |
|   | Examiner Name                            | Shin-Lin Chen   |
|   | Group Art Unit                           | 1633  |
|   | Express Mail Label No.                   |   |

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 08/894,246, filed on May 22, 1998, entitled Medicinal Combination Useful for In Vivo Exogenic Transfection and Expression

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☒ Enter the unentered amendment previously filed on February 15, 2002 under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
 .....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

07/02/2002 SSITHIB1 00000043 501129 08894246  
 01 FC:131 740.00 CH  
 03 FC:103 432.00 CH

07/02/2002 SSITHIB1 00000045 08894246  
 01 FC:131 740.00 OP  
 02 FC:103 432.00 OP

Valid date: 07/02/2002 SSITHIB1 00000043 501129 08894246  
 07/02/2002 SSITHIB1 00000043 501129 08894246  
 02 FC:131 740.00 CR  
 03 FC:103 432.00 CR

RECEIVED

JUL 5 2002


TECH CENTER 1600/2900

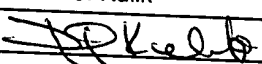
RECEIVED  
 JUL 0 5 2002  
 7-5-02  
 P.2

| CLAIMS  | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                      | (5) CALCULATIONS |
|---|---------|------------------|------------------|-------------------------------|------------------|
| TOTAL CLAIMS<br>(37 CFR 1.16(c) or (j))   |         | 44 -20* =        | 24               | x \$ 18 =                     | \$ 432.00        |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(b) or (i))   |         | 3 -3** =         | 0                | x \$ 0 =                      | 0.00             |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))  |         |                  |                  | + \$ _____ =                  |                  |
|   |         |                  |                  | BASIC FEE<br>(37 CFR 1.16)    | 740.00           |
|   |         |                  |                  | Total of above Calculations = | 1,172.00         |
| Reduction by 50% for filing by small entity (Note 37 CFR 1.27).   |         |                  |                  |                               |                  |
| * Reissue claims in excess of 20 and over original patent.<br>** Reissue independent claims over original patent. |         |                  |                  |                               |                  |
|   |         |                  |                  | TOTAL =                       | \$1,172.00       |

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. \_\_\_\_\_:
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☒ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Copy of February 15, 2002 Response and Amendment

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

| 14. NEW CORRESPONDENCE ADDRESS  |           |  |  |  |  |
|---|-----------|--|--|--|--|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label |           | <br><b>29693</b><br>(Insert Customer No. or Attach bar code label here) |  | or <input type="checkbox"/> New correspondence address below |  |
| Name  |           |  |  |  |  |
| Address   |           |  |  |  |  |
| City  |           |  |  |  |  |
| Country   | State     | Zip Code   |  |  |  |
|   | Telephone | Fax  |  |  |  |

| 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED |   |
|---|---|
| Name (Print IType)                                      | David J. Kulik  |
| Signature   |  |
| Registration No. (Attorney/Agent)                       | 36,576  |
| Date  | July 1, 2002  |

RECEIVED

RECEIVED

JUL 5 2002

TECH CENTER 1600/2900



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 08/894,246         | 05/22/1998  | 1632         | 2040          | EX95001-US      | 4        | 1          | 1          |

29693

WILEY, REIN & FIELDING, LLP  
ATTN: PATENT ADMINISTRATION  
1776 K. STREET N.W.  
WASHINGTON, DC 20006

CONFIRMATION NO. 8790

CORRECTED FILING RECEIPT



\*OC00000008417747\*

Date Mailed: 07/09/2002

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

MICHEL PERRICAUDET, ECROSNES, FRANCE;  
MARTIN LEE, PARIS, FRANCE;  
LUCIENNE CHATENAUD, PARIS, FRANCE;  
HEDI HADDADA, BG LA REIVE, FRANCE;  
JEAN-FRANCOIS BACH, PARIS, FRANCE;  
MICHELLE WEBB, LONDON, FRANCE;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A 371 OF PCT/FR96/00218 02/12/1996

**Foreign Applications**

FRANCE 9501662 02/14/1995

If Required, Foreign Filing License Granted 07/08/2002

CPA filed on: 07/01/2002

Projected Publication Date: 10/17/2002

Non-Publication Request: No

Early Publication Request: No

**Title**

MEDICINAL COMBINATION USEFUL FOR IN VIVO EXOGENIC TRANSFECTION AND  
EXPRESSION

**Preliminary Class**

424

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).